Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE aperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

MINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

P-109301.2(UTI)

Application No.: 10/736,337 filed: December 15, 2003 for: A PROTOCOL FOR SAMPLING AND TESTING COMPOSITIONS RELATED TO A METHOD FOR MAKING ROAD BASE FROM OIL AND GAS WASTE five owner*,David Polation		
Filed: December 15, 2003 For: A PROTOCOL FOR SAMPLING AND TESTING COMPOSITIONS RELATED TO A METHOD FOR MAKING ROAD BASE FROM OIL AND GAS WASTE File owner*, David Polston	In re Application of: David Polston	
The APROTOCOL FOR SAMPLING AND TESTING COMPOSITIONS RELATED TO A METHOD FOR MAKING ROAD BASE FROM OIL AND GAS WASTE The owner*, David Polston The owner*, David Polston The owner*, David Polston The owner of the instant application hereby disclaims, sweet as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond he expiration date of the full statutory term prior patent to S. SN 10/801 401 as the term of said prior patent is presently shortened by any terminal disclaims. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This greement runs with any patent granted on the instant application and is binding upon the grantee, it is successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal pant of the term of any patent granted on the instant application that vould extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior beatent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unention to apply a maintenance fee; is held unention administration that the expiration of the statutory term as presently shortened by any terminal disclaimer. It is statutorial deciment in whole or terminally disclaimed under 37 CFR 1.321; he activated to be true; and the prior patent terminal patent patent terminal patent p	Application No.: 10/736,337	
AND GAS WASTE the owner*. David Poiston	Filed: December 15, 2003	!
except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond he expiration date of the full statutory term prior patent its. Sin 19/801/401 as the term of said prior patent is defined in 35 U.S. C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This greenent runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that vould extend to the expiration date of the full statutory term as defined in 35 U.S. C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is neissued;	For: A PROTOCOL FOR SAMPLING AND TESTING COMPOSITIONS RELATED TO A METHOD FOR MAKING ROAD I AND GAS WASTE	BASE FROM OIL
vould extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutority disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. 1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and selled are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so andea are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an attorney or egent of record. Reg. No. 32,726 Signature Daniel D. Chapman Typed or printed name Typed or printed name Paper or printed name Applied Typed or printed name WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Statement under 37 CFR 3, 73(b) is required if terminal disclaimer is signed by the assignee (owner) 55.88	except as provided below, the terminal part of the statutory term of any patent granted on the instant application which we the expiration date of the full statutory term prior patent No. SN 10/801,401 as the term of said prior patent is defined and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agreed granted on the instant application shall be enforceable only for and during such period that it and the prior patent are contacted to the instant application shall be enforceable only for and during such period that it and the prior patent are contacted to the instant application shall be enforceable only for and during such period that it and the prior patent are contacted to the pri	rould extend beyond ned in 35 U.S.C. 154 is that any patent so mmonly owned. This
For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an attorney or agent of record. Reg. No. 32,726 Daniel D. Chapman Typed or printed name	would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent , "as the patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or	ne term of said prior
etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and pelief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. The undersigned is an attorney or egent of record. Reg. No. 32,726 Signature Daniel D. Chapman Typed or printed name Typed or printed name VARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 85/25/2086 TBESHAH1 00000009 10736337	Check either box 1 or 2 below, if appropriate.	
Daniel D. Chapman Typed or printed name Daniel D. Chapman Typed or printed name Typed or printed name WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 95/25/2006 TBESHAH1 00000009 10736337 *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner)	1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agen etc.), the undersigned is empowered to act on behalf of the business/organization.	су,
Signature Daniel D. Chapman Typed or printed name 210/978-7759 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 95/25/2986 TBESHAH1 98999999 19736337	belief are believed to be true; and further that these statements were made with the knowledge that willful false statem	ents and the like so
Daniel D. Chapman Typed or printed name 210/978-7759 Telephone Number V Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 95/25/2006 TBESHAH1 0000009 10736337	2. The undersigned is an attorney or agent of record. Reg. No. 32,726	
Typed or printed name 210/978-7759 Telephone Number Varminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 95/25/2006 TBESHAH1 0000009 10736337	Signature	22`06 Date
Typed or printed name 210/978-7759 Telephone Number Varminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 95/25/2006 TBESHAH1 0000009 10736337		~
Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 05/25/2006 TBESHAH1 0000009 10736337		
Telephone Number WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 05/25/2006 TBESHAH1 0000009 10736337		
Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 05/25/2006 TBESHAH1 0000009 10736337		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. 05/25/2006 TBESHAH1 0000009 10736337 Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). 65.00	Telephon	e Number
be included on this form. Provide credit card information and authorization on PTO-2038. 05/25/2006 TBESHAH1 0000009 10736337 Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner)	Terminal disclaimer fee under 37 CFR 1.20(d) included.	
95/25/2006 TBESHAH1 0000009 10736337 Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner)	WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	
Statement, under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner)	05/25/2006 TRESHAH1 000	00009 10736337
	*Statement_under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner)	65.00

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.